

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 05-436(1) (DSD/JSM)

United States of America,

Plaintiff,

v.

ORDER

Javar Dale Love,

Defendant.

This matter is before the court upon defendant's objections to the report and recommendation of United States Magistrate Judge Janie S. Mayeron, dated February 10, 2006. In her report, the magistrate judge recommends that defendant's motion to suppress statements and evidence be denied.

The court reviews the reports and recommendations of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Defendant objects to the magistrate judge's conclusion that probable cause supported the issuance of the search warrant for defendant's house and, in the alternative, that the evidence obtained pursuant to the search warrant is admissible under the good faith exception established in United States v. Leon, 468 U.S. 897, 922 (1984). The court finds that the report and recommendation of the magistrate judge is well-reasoned and correctly resolves the issues surrounding the search warrant. In particular, the magistrate judge correctly concluded that the search warrant application set

forth sufficient facts to establish a fair probability that evidence of drug-dealing activities would be found at the residence at issue. See United States v. Tellez, 217 F.3d 547, 550 (8th Cir. 2000).

Therefore, after a de novo review of the file and record, the court adopts the report and recommendation of the magistrate judge [Docket No. 35] in its entirety. Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant's motion to suppress statements and evidence [Docket No. 25] is denied.

2. Defendant's motion to suppress evidence obtained as a result of search and seizure [Docket No. 26] is denied.

Dated: March 9, 2006

s/David S. Doty
David S. Doty, Judge
United States District Court